



cafc

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,115,618) Serial No. 10/812,343
Inventor(s): Michael L. VAZQUEZ *et al*) Filed: March 30, 2004
Issue Date: October 3, 2006) Attorney Docket No. 101765.00032

For: α - AND β -AMINO ACID HYDROXYEHYLAMINO SULFONAMIDES USEFUL AS
RETROVIRAL PROTEASE INHIBITORS

REQUEST FOR CERTIFICATE OF CORRECTION

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop: Certificate of Correction Branch
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one page.

The mistakes identified in the appended Form occurred through no fault of the Applicant, as clearly disclosed by the records of the application, which matured into this patent. Enclosed for your convenience is relevant portion of Response to Restriction Requirement and Election of Species filed October 27, 2005 and the Declaration filed March 30, 2004.

Issuance of the Certificate of Correction containing the corrections is respectfully requested. Since these changes are necessitated through no fault of the Applicants, no fee is believed to be associated with this request. Nonetheless, should the Patent and Trademark Office determine that a fee is required, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 

Joseph M. Skerpon
Registration No. 29,864

Dated: January 9, 2007

1001 G Street, N.W. (11th Fl.)
Washington, D.C. 20001
(202) 824-3000

Certificate
JAN 11 2007
of Correction

JAN 16 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7,115,618
DATED: October 3, 2006
INVENTOR(S): Michael L. VAZQUEZ *et al*

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, Inventors section (75):

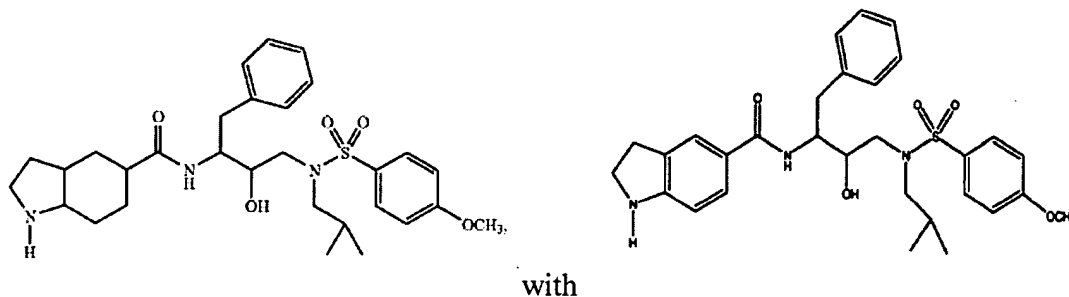
Please replace "Michael J. Vazquez" with --Michael L. Vazquez--

In Column 158, Claim 1, Line 37:

Please replace "heterocycloallcyl" with --heterocycloalkyl--

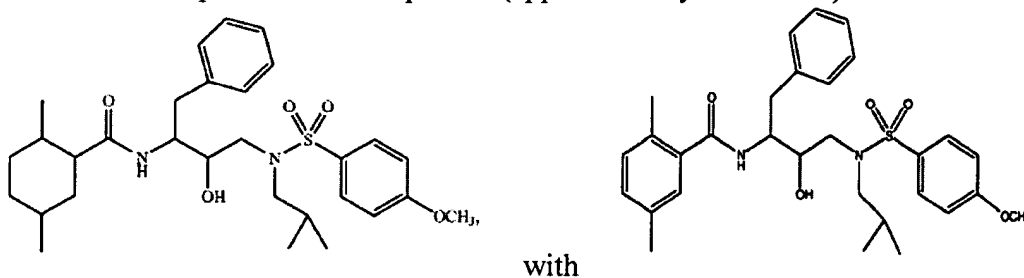
In Column 159, Claim 6:

Please replace the fifth equation (approximately lines 60-65):



In Column 160, Claim 6:

Please replace the first equation (approximately lines 4-13):



Mailing Address of Sender:

Banner & Witcoff, Ltd.
11th Floor
1001 G Street, N.W.
Washington, DC 20001-4597

FORM PTO 1050 (Rev.2-93)

U.S. PAT. NO 7,115,618

No. of add'l copies
@ \$0.50 per page

□

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7,115,618
DATED: October 3, 2006
INVENTOR(S): Michael L. VAZQUEZ *et al*

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, Inventors section (75):

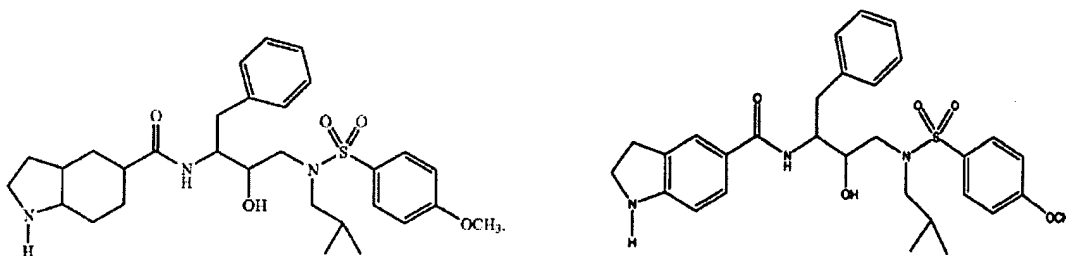
Please replace "Michael J. Vazquez" with --Michael L. Vazquez--

In Column 158, Claim 1, Line 37:

Please replace "heterocycloallcyl" with --heterocycloalkyl--

In Column 159, Claim 6:

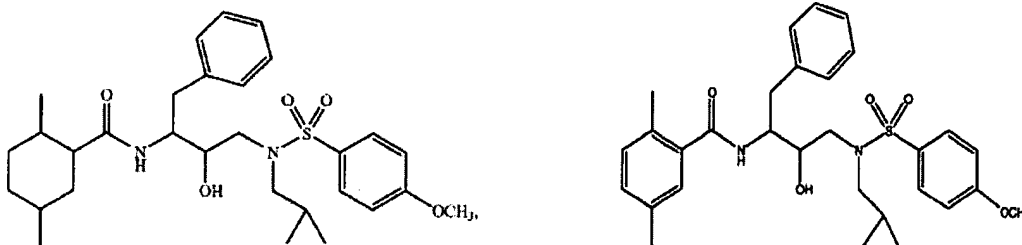
Please replace the fifth equation (approximately lines 60-65):



with

In Column 160, Claim 6:

Please replace the first equation (approximately lines 4-13):



with

Mailing Address of Sender:

Banner & Witcoff, Ltd.
11th Floor
1001 G Street, N.W.
Washington, DC 20001-4597

FORM PTO 1050 (Rev.2-93)

U.S. PAT. NO 7,115,618

No. of add'l copies
@ \$0.50 per page

□



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Michael L. VAZQUEZ *et al.*)

Serial No. 10/812,343)

Filed: March 30, 2004)

Group Art Unit: 1614

Examiner: TBA

Atty. Docket 101765.00032 (2705/17)

For: α - AND β -AMINO ACID HYDROXYETHYLAMINO SULFONAMIDES USEFUL AS RETROVIRAL
PROTEASE INHIBITORS

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action mailed September 27, 2005 and setting a period for response of one (1) month, Applicants respectfully request entry of this paper into the file of the above-captioned application. It is believed that no fee is required to make this filing timely. However, if there is a fee, please debit our Deposit Account No. 19-0733 accordingly.

A LISTING OF CLAIMS reflects claim amendments and begins on page 2 of this paper

A REMARKS section begins on page 12 of this paper.

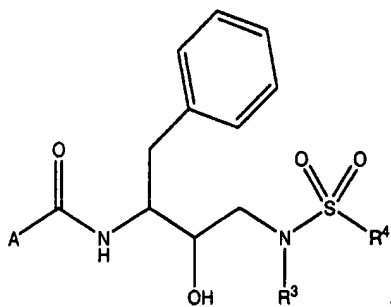
JAN 16 2007

This Listing of Claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

Claims 1-19 (canceled)

Claim 20 (previously presented): A retroviral protease inhibiting compound represented by the formula



or a pharmaceutically acceptable salt thereof,

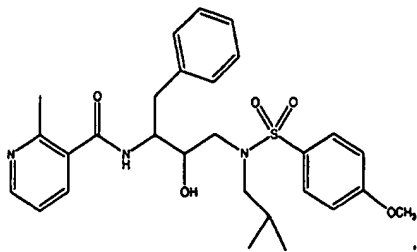
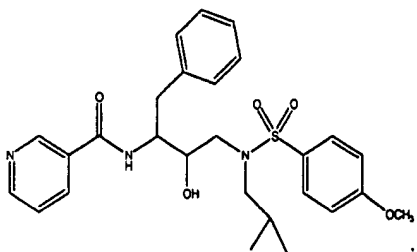
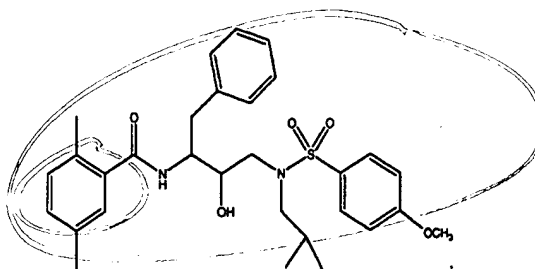
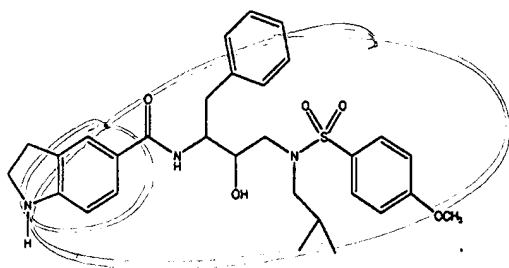
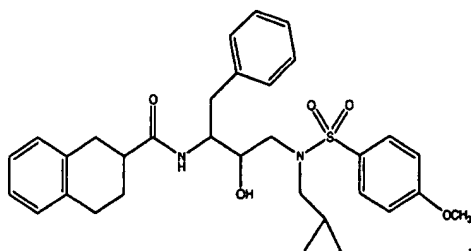
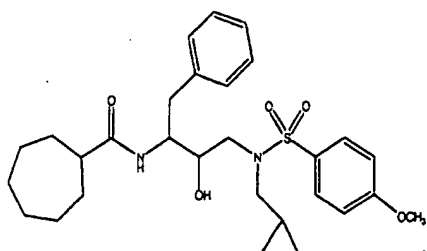
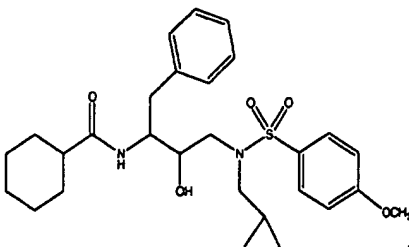
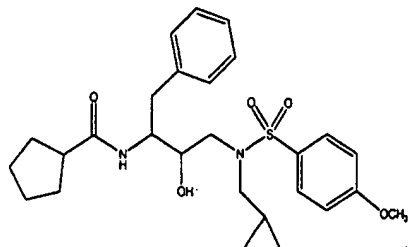
wherein:

A represents a radical selected from the group consisting of cycloalkyl; heterocycloalkyl; aryl; heteroaryl; aroyl; and cycloalkyl, aryl, heteroaryl or aroyl that is substituted at one or more carbon atoms with a radical selected from the group consisting of alkyl, alkoxy, halogen, hydroxy, amino, alkylamino, dialkylamino, nitro, cyano, haloalkyl, carboxy, alkoxycarbonyl, cycloalkyl, heterocycloalkyl, alkylamido, dialkylamido, alkylsulfonyl, and alkylsulfonylalkyl; and

R³ and R⁴ independently represent radicals selected from the group consisting of alkyl; haloalkyl; alkenyl; alkynyl; hydroxyalkyl; alkoxyalkyl; cycloalkyl; cycloalkylalkyl; heterocycloalkyl; heteroaryl; heterocycloalkylalkyl; aryl; aralkyl; heteroaralkyl; aminoalkyl; aminoalkyl

JAN 16 2007

Claim 25 (previously presented): The retroviral protease inhibiting compound of claim 20 or a pharmaceutically acceptable salt thereof, wherein said compound is selected from the group consisting of



JAN 16 2007



033004

22164 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 101765.00032

First Inventor Michael L. VAZQUEZ

Title α - and β -Amino Acid Hydroxyethylamino Sulfonamides Useful as Retroviral Protease Inhibitors

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450
Alexandria VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 122]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
☐ Formal ☐ Informal
5. ☒ Oath or Declaration [Total Sheets 4]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Fees Deferred

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 10 / 199,481

Prior application information:

Examiner Wright, Sonya N.

Art Unit: 1626

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number:

22907

or ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

Name (Print/Type)	Joseph M. Skerpon	Registration No. (Attorney/Agent)	29,864
Signature			Date March 29, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 16 2007

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

α - AND β -AMINO ACID HYDROXYETHYLAMINO
SULFONAMIDES USEFUL AS RETROVIRAL PROTEASE INHIBITORS

The specification of which, with any Preliminary Amendment, (check one)

☐ is attached hereto

☒ was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority Claimed
☒ Yes ☐ No

PCT/US93/07814

PCT

24 AUGUST 1993

(Number)

(Country)

(Day/month/year filed)

☐ Yes ☐ No

(Number)

(Country)

(Day/month/year filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner

JAN 16 2007

provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(Status)

POWER OF ATTORNEY: As a named inventor, I hereby appoint as attorneys/agents: DENNIS A. BENNETT, Registration No. 34,547; JOSEPH W. BULOCK, Registration No. 37,103; SCOTT B. FEDER, Registration No. 33,129; ROBERTA L. HASTREITER, Registration No. 32,990; J. TIMOTHY KEANE, Registration No. 27,808; CYNTHIA S. KOVACEVIC, Registration No. 35,578; SCOTT J. MEYER, Registration No. 25,275; JOY ANN SERAUSKAS, Registration No. 27952; FRANK S. UNGEMACH, Registration No. 34,449; ROGER A. WILLIAMS, Registration No. 27679; to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Direct all telephone calls to Frank S. Ungemach at 314-694-9092 and address all correspondence to:

G. D. Searle & Co.
Corporate Patent Law Department
P.O. Box 5110
Chicago, Illinois 60680-9889

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1)

FULL NAME OF INVENTOR	LASTNAME Vazquez	FIRSTNAME Michael	MIDDLE NAME L.	
RESIDENCE & CITIZENSHIP	CITY Gurnee	STATE OR FOREIGN COUNTRY Illinois	COUNTRY OF CITIZEN. U.S.A.	
POST OFFICE ADDRESS	POST OFFICE ADDRESS 233 Saratoga Court	CITY Gurnee	STATE OR COUNTRY Illinois	ZIPCODE 60031
SIGNATURE OF INVENTOR 1			DATE	
<i>Michael L. Vazquez</i>			3-15-94	

JAN 16 2007